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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

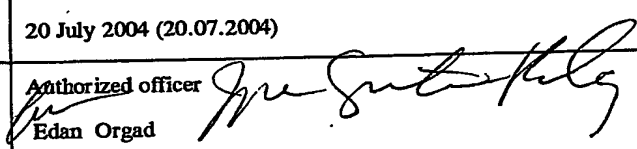
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference PU020269		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/17369	International filing date (day/month/year) 03 June 2003 (03.06.2003)	Priority date (day/month/year) 04 June 2002 (04.06.2002)	
International Patent Classification (IPC) or national classification and IPC IPC(7): H04B 1/16, 1/06, 7/00 and US Cl.: 455/131, 136, 151.2, 164.1, 205, 240.1, 260, 295, 296, 3.03, 3.06,			
Applicant THOMSON LICENSING S.A.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u> </u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 30 December 2003 (30.12.2003)		Date of completion of this report 20 July 2004 (20.07.2004)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer  Edan Orgad Telephone No. 703-305-4223	

Form PCT/IPEA/409 (cover sheet)(July 1998)

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/17369

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed.

☒ the description:

pages 1-4 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☒ the claims:

pages 5 and 6 as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☒ the drawings:

pages 1-2 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☐ the sequence listing part of the description:

pages NONE as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages NONE

☐ the claims, Nos. NONE

☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>2, 7-11 and 13</u>	YES
	Claims <u>1, 3-6, 12 and 14-17</u>	NO
Industrial Applicability (IA)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

Claim 1, 3-6, 12 and 14-17 lack an inventive step under PCT Article 33(3) as being obvious over Hunsinger et al (US 5,850,415) in view of Cashen et al (US 5,878,336).

Regarding claims 1 and 12, Hunsinger teaches a receiver for receiving an audio file signal (abstract) a decoder for demodulating said audio file signal (fig. 16, element 286). However, Hunsinger fails to teach a processor for polling said decoder for a loss of a phase lock in said demodulating of said audio file signal. However, in the same field of endeavor, Cashen teaches a processor for polling said decoder for a loss of a phase lock in said demodulating of said audio file signal (col. 3, lines 11-37). Therefore, it would have been obvious to combine Cashen's teachings of a processor for polling said decoder for a loss of a phase lock in said demodulating of said audio file signal with Hunsinger's digital broadcasting system in order to discontinuously operate the receiver in a communication that requires reception and evaluation of data field in their entirety.

Regarding claims 3 and 14, Hunsinger fails to specifically disclose said receiver comprises a 900MHz radio frequency reception circuitry. However, official notice is taken that a receiver comprises a 900MHz radio frequency reception circuitry is very well known. Therefore, it would have been obvious to use a receiver comprising a 900MHz radio frequency reception circuitry with Hunsinger in order to provide the user with a broader range of frequencies.

Regarding claims 4 and 15, Hunsinger fails to specifically disclose said decoder comprises an eight to four modulation EFM decoder. However, official notice is taken that an eight to four modulation EFM decoder is well known in the art. Therefore, it would have been obvious to use an eight to four modulation EFM decoder with Hunsinger's receiver in order to translate the original data into its original format.

Regarding claims 5, 6, 16 and 17, Hunsinger teaches said decoder outputs a digital audio stream (see abstract) but fails to disclose that it conforms to an IS2 audio stream. However, official notice is taken that IS2 audio streams are well known. Therefore, it would have been obvious to use IS2 audio stream with Hunsinger's existing audio stream in order to have 16 bits represent left channel audio samples, and the other 16 bits represent right channel audio samples.

Claims 2,7-11 and 13 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest:

Regarding claims 2 and 13, the prior art of record fails to specifically disclose said processor resets and reinitializes said decoder in response to said loss in said phase lock.

Regarding claim 7-11, Regarding claim 7, the prior art of record teaches a receiver for receiving an audio file signal (abstract) a decoder for demodulating said audio file signal, a processor for polling said decoder for a loss of a phase lock in said demodulating of

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

said audio file signal (fig. 16, element 286). However, the prior art of record fails to specifically disclose said processor resets and reinitializes said decoder in response to said loss in said phase lock.

NEW CITATIONS

US 5,748,046 A (Badger) 5 May 1998, see entire document.
US 5,878,336 A (Cashen et al) 2 March 1999, see entire document.
US 5,850,415 A (Hunsinger et al) 15 December 1998, see entire document.